

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 11, 2003 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Debbie Shea

Members Absent: None.

Staff Present: Mary Vandebosch, Legislative Branch
Jane M. Hayden, Committee Secretary
Mari Prewett, Transcription of Minutes

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 32, 3/11/2003; HB 55,
HB 262,

Executive Action:

Hearing on HB 32

Sponsor: **REPRESENTATIVE GEORGE GOLIE, HD 44, Great Falls**

Opening Statement by Sponsor:

REP. GOLIE, testified that HB 32 was brought forward for the Montana Houndsmen's Association because of inconsistencies in the authority of the Department of Fish, Wildlife and Parks. He explained that HB 32 would put into statute the right for a person to hunt mountain lions with dogs; to run bobcats, during trapping season, with dogs for the purpose of training; create a new class D-3 resident hound handling license and establish the conditions and fees for that license; and lastly would allow residents holding a class D-3 license to pursue lions and bobcats, with a dog or dogs, during the training season from December 2nd of each year until April 14th of each year.

Proponents' Testimony:

Sanford Shrout, Montana State Houndsmen Association, testified that he wanted to go on record as a supporter of HB 32. **Mr. Sanford** provided background information on mountain lion hunting seasons, training seasons and basic regulations in Montana. He went on to talk about the process and time and cost of training hounds to hunt mountain lions. **Mr. Sanford** stated that the purpose of the bill was to request a specific training season to work the hounds on mountain lions and bobcats. He continued that it was not something new, it was just allowing them the ability to be in the field training their hounds. He then distributed a letter in support of HB 32 from the Montana State Houndsmen Association, attached as Exhibit 1.

EXHIBIT(fis51a01)

Roland Deane, Montana State Houndsmen Association, stated that he was there to speak in support of HB 32. **Mr. Deane** read his written testimony to the Committee which is attached as Exhibit 2.

EXHIBIT(fis51a02)

Sandy Sallee, representing herself, testified that she felt HB 32 was a good bill and would provide a win win situation for everyone. She indicated that she spent a lot of time hunting with her dogs, and loved doing so.

Tony Knuchel, Potomac, spoke in support of HB 32. He stated that he worked for the Wildlife Conservation Society on a mountain

lion research project in Yellowstone Park. He went on to say that he needed time to train his hounds as the only way to do such a study was with well trained lion hounds.

Jim Lechleitnel, Montana State Houndsmen Association, rose in support of HB 32 and stated that he believed that in the future they may be on a permit system and he would like to retain the ability to keep well trained dogs.

Greg Houska, testified in support of HB 32.

John Youngberg, Montana Farm Bureau, testified in support of HB 32.

Jean Johnson, Montana Outfitters and Guides Association, testified in support of HB 32.

Opponents' Testimony: None given.

Informational Testimony:

Chris Smith, Director of the Department of Fish, Wildlife, and Parks, read from his printed testimony and added that the Department of Fish, Wildlife and Parks had no objection to the current bill. **Mr. Smith** added that there was a slight risk associated with the changes proposed in HB 32.

EXHIBIT(fis51a03)

Questions from Committee Members and Responses:

SEN. TASH asked **Chris Smith** if there was a restriction on which sex of lion could be taken. **Mr. Smith** responded that the hunter had the ability to identify the sex of the mountain lion once it was treed as they did have sex specific quotas in districts. The training season would allow houndsmen to train and chase lions and bobcats between December 2nd and April 14th.

SEN. MAHLUM asked **Jim Lechleitnel** if he trained dogs in the Evaro area. **Mr. Lechleitnel** indicated that he did not.

SEN. MAHLUM asked **Jim Lechleitnel** if there were any mountain lions in his area. **Mr. Lechleitnel** stated that he assumed that there were.

SEN. BARKUS asked **Sandy Sallee** if the quota and harvest was declining as a result of declining populations or more people not killing the mountain lions or bobcats. **Ms. Sallee** stated that

there used to be a bounty, but the mountain lion population rebounded from that. **Ms. Sallee** said that now she saw six to eight trucks hunting in the areas she hunts. She went on to say that in some areas they were lowering the quotas.

SEN. TROPILA asked **REP. GOLIE** if there were any houndsmen and lions in his House District. **REP. GOLIE** responded that his House District was in an urban area, and there were no mountain lions there.

A handout entitled "Mountain Lion Hunting Statistics" was distributed to the Committee for their information and is attached as Exhibit 4.

EXHIBIT (fis51a04)

Closing by Sponsor:

REP. GOLIE testified that HB 32 was needed. Hunting with hounds was a heritage. He went on to say that hunting with hounds was both recreational and economical for the outfitters during the chase and hunting seasons. He stated that although it was not mentioned often, HB 32 was important to agriculture. He pointed out that they needed to harvest mountain lions and bobcats to keep the populations under control, and the best way to do that was with hounds.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 22.5}

HEARING ON HB 55

Sponsor: **REP. TOM FACEY, HD 67, Missoula**

Opening Statement by Sponsor:

REP. FACEY spoke on the history of lion hunting and governing laws in Montana. He discussed the legislation that had been passed to allow restrictions on out-of-state hunters in the Kalispell and Libby areas and the effect that legislation had.

REP. FACEY went on to say that HB 55 would take the temporary restrictions that had been put in place previously and make them permanent for the entire State of Montana. He referred to Page 2, Lines 21 through 23 and pointed out the pertinent language. He continued that out-of-state hunters could hire outfitters and still be able to hunt. He pointed out that the houndsmen were in favor of the bill as they wanted to stay away from the permit system.

Proponents' Testimony:

Chris Smith, Chief of Staff, Fish, Wildlife and Parks, spoke in support of HB 55. **Mr. Smith** provided his written testimony to the Committee, attached as Exhibit 5.

EXHIBIT(fis51a05)

Jean Johnson, Montana Outfitters and Guides Association, stated that they supported HB 55. She pointed out that the Council had been made-up of members of Fish, Wildlife and Parks, the houndsmen, sportsmen and outfitters. She explained that the main thing that had come from the Council was an agreement that the outfitters were not really the problem, the problem was the non-residents that were not controlled in any way. **Ms. Johnson** discussed the present system and concerns that had been expressed regarding outfitters. She went on to say that she felt HB 55 was an example of Commission authority that would really work.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 9.6}

Opponents' Testimony:

Greg Houska, Missoula, stated that he was for the Fish and Game getting a handle on non-resident hunters. He continued that the reason he opposed the bill, as written, was that he felt if limits were going to be set to make them uniform throughout the State, there should be some way to limit the non-residents to ten percent of the licenses sold.

Jim Robindolf, stated that he was opposed to the bill for the same reasons that **Mr. Houska** had stated. He went on to say that he felt giving the Fish and Game the authority to regulate hunters took away from Fish, Wildlife and Parks the management of wildlife. He continued that managing wildlife should take precedence over managing hunters.

{Tape: 2; Side: A; Approx. Time Counter: 9.6 - 11.7}

Informational Testimony:

Sandy Sallee, representing herself, stated that HB 55 was why it was imperative to have HB 32. She went on to say that if they limited lion hunting, they would not be able to train their dogs.

Questions from Committee Members and Responses:

SEN. MAHLUM asked **Mr. Smith** about his reference to Page 2, Line 22 and if they had a ten percent quota for out-of-state hunters.

Mr. Smith responded that he believed there was a statutory provision that should they go to a permit system the non-residents would be restricted to no more than ten percent of those permits. He continued that he felt it would apply to the case in question.

SEN. MAHLUM asked **Mr. Smith** if that would take care of some of the opponents problems. **Mr. Smith** replied that as he understood the concern, it would.

SEN. BALES asked **REP. FACEY** to explain the language on Page 4, Line 14. **REP. FACEY** stated he thought that there was a sunset.

SEN. BALES asked **REP. FACEY** if by lining out the complete section of Page 3 the bill had no effect. **Ms. Vandembosch** explained the law in regard to sunset language.

SEN. BALES and **Ms. Vandembosch** continued to discuss the language in the bill and what would and would not become law.

{Tape: 2; Side: A; Approx. Time Counter: 11.7 - 20.5}

SEN. BARKUS asked **Mr. Smith** if non-residents were allowed to use hounds to chase in Montana. **Mr. Smith** replied that if a non-resident, purchased a mountain lion hunting license, they could use their own dogs to hunt mountain lions, unless, they want to hunt in a district that has a restricted number for non-resident houndsmen.

Closing by Sponsor:

REP. FACEY referred to **Mr. Houska's** question and talked about the language on Page 2, Lines 22 and 24. He went on to say that he felt that was where they were giving the Commission the authority to limit the number of out-of-state hunters. He pointed out that he felt the bill was doing what was right for Montana residents.

SEN. MCGEE will carry the bill should it pass.

{Tape: 2; Side: A; Approx. Time Counter: 20.5 - 24.5}

HEARING ON HB 262

Sponsor: REP. DANIEL FUCHS, HD 15, Billings

Opening Statement by Sponsor:

REP. FUCHS stated that HB 262 was a very straight forward bill that defined the policies of the Department, provides Legislative intent in regard to large predators, and defines large predators. He went on to say that there was an amendment that had been suggested that would deal with maintaining a huntable predator population, which would deal with the mountain lion hunting situation. He further talked about a possible amendment that would deal with the issue of bison which would added to the large game species if the legislation passed.

Proponents' Testimony:

John Youngberg, Montana Farm Bureau, stated that HB 262 was simply a policy which would manage the large predators, preserve citizens' opportunities to hunt large game species, protect humans, livestock, pets and preserve and enhance the public during outdoor recreational activities. He concluded by recommending that the Committee give the bill a do pass.

Jay Bodner, Montana Association of State Grazing Districts, spoke in support of HB 262. He pointed out that large predators have shown an ability to impact wildlife populations and livestock management decisions, therefore, grouping them altogether, for management purposes, would be beneficial to all people in Montana. He continued that it would give Fish, Wildlife and Parks a clear direction on the social and financial impact of the large predators. He concluded that it would protect two of the most important things Montana has, recreation and agriculture.

Opponents' Testimony: None

Informational Testimony:

Chris Smith, Fish, Wildlife and Parks, stated that as they read the bill it would not create a problem for delisting. He continued that HB 262 did not designate wolves as predators to be managed under Title 81. He went on to say that it would provide policy direction to the Agency that they were comfortable with. He further stated that he did not feel that the proposed amendments would create any problems for them.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.9}

REP. FUCHS distributed and explained his proposed amendment to the Committee, attached as Exhibit 6.

EXHIBIT (fis51a06)

Questions from Committee Members and Responses:

SEN. BALES asked REP. FUCHS if he would object to adding coyotes to his list of predators. REP. FUCHS indicated that he did not have a problem adding them to the list.

SEN. SCHMIDT asked REP. FUCHS about the proposed amendment. REP. FUCHS responded that there were basically two amendments offered on Exhibit 6 and explained what they were.

Ms. Vandenbosch explained the amendments further.

{Tape: 3; Side: A; Approx. Time Counter: 4.9 - 10.3}

SEN. SCHMIDT asked REP. FUCHS what the amendment did to his bill. REP. FUCHS replied that it would insure that they could continue to hunt predators, including wolves should they be delisted, for management purposes.

SEN. BALES asked REP. FUCHS if under his statement of maintaining a huntable predator population he was advocating the hunting of wolves throughout the whole State. REP. FUCHS responded that was not his intention. He went on to explain further what he had meant.

SEN. BALES further expressed his concerns about the delisting and hunting of wolves and the possibility, with the amendment, that in some areas of the State a person would not be able to hunt wolves in order to maintain a huntable population. REP. FUCHS responded that he did not care whether the amendment was in or out. He continued that the bill had been brought forward to address concerns regarding mountain lions not wolves.

CHAIRMAN SPRAGUE asked REP. FUCHS what his preference would be, expand the bill or leave it as it was. REP. FUCHS replied that he would prefer to here **Chris Smith's** feelings regarding whether or not the amendment was necessary. **Mr. Smith** stated that he was not sure if the amendment made the bill any better. He went on to say that it might make some people feel more secure regarding the status of the bears and/or lions. He concluded that he did not see a problem either with or without the amendment.

Closing by Sponsor:

REP. FUCHS asked for a do pass on the bill. He went on to say that the amendment was not necessary.

SEN. BARKUS will carry the bill on the floor of the Senate should it pass out of Committee.

{Tape: 3; Side: A; Approx. Time Counter: 10.3 - 16.6}

HEARING ON HB 97

Sponsor: **REP. LARRY JENT, HD 29, Bozeman**

Opening Statement by Sponsor:

REP. JENT stated that HB 97 would raise the license fees for taxidermists from \$15 to \$50. This increase would help to defray the costs of the mandatory administration of compliance. **REP. JENT** explained how they had arrived at the license fee of \$50. He went on to say that the bill would require the taxidermists to keep written records and explained the reason that the record keeping was necessary. **REP. JENT** read a letter from John and Laurel Berger into the record and is attached as Exhibit 7. **REP. JENT** provided the Committee with two additional letters from Dale Manning of Custom Birdworks and Dennis Shoemaker, Shoe's Taxidermy in support of HB 97, attached as Exhibits 8 and 9 respectively.

EXHIBIT(fis51a07)

EXHIBIT(fis51a08)

EXHIBIT(fis51a09)

Proponents' Testimony:

Chris Smith, Chief of Staff, Montana Fish, Wildlife and Parks, spoke in support of HB 97. **Mr. Smith's** written testimony is attached as Exhibit 10.

EXHIBIT(fis51a10)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

CHAIRMAN SPRAGUE asked **REP. JENT** why the proposed fee had been lowered from \$75 to \$50. **REP. JENT** replied that when they added the additional taxidermists into the calculations it had reduced the cost from \$75 to \$50.

Closing by Sponsor:

REP. JENT thanked the Committee and asked for their favorable consideration of the bill.

SEN. SCHMIDT will carry the bill should it pass.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 7.5}

EXECUTIVE ACTION ON HB 97

Motion/Vote: **SEN. MCGEE** moved that HB 97 BE CONCURRED IN. Motion carried unanimously.

SEN. SCHMIDT will carry HB 97 on the floor of the Senate.

{Tape: 4; Side: A; Approx. Time Counter: 7.5 - 8}

It was decided to wait to do executive action on HB 262 until the next hearing.

EXECUTIVE ACTION ON HB 55

Motion: **SEN. BARKUS** moved that HB 55 BE CONCURRED IN.

Discussion:

SEN. MAHLUM asked if a person owned dogs, his son from out of state came to visit, would the son be able to hunt with his father. **SEN. MAHLUM** was asked if the son would be chasing or hunting. **SEN. MAHLUM** replied he would be chasing. **Mr. Smith** replied that the son would be able to chase.

Vote: Motion that HB 55 BE CONCURRED IN carried unanimously.

SEN. MCGEE will carry HB 55 on the floor of the Senate.

{Tape: 4; Side: A; Approx. Time Counter: 8 - 12}

EXECUTIVE ACTION ON HB 32

Motion: SEN. TROPILA moved that HB 32 BE CONCURRED IN.

Discussion:

SEN. MCGEE asked Chris Smith if chasing the lions created any measurable impact on them. Mr. Smith explained that mountain lions and bobcats evolved in the presence of wolves, so running from dogs was not much different for the lions. SEN. MCGEE then asked Mr. Smith if the expansion of the chasing season would have an unintended consequence to the lion's ability to reproduce. Mr. Smith replied that is would not.

CHAIRMAN SPRAGUE asked Chris Smith if the mountain lions could hurt the dogs. Mr. Smith stated that the lions could avoid encounters with the dogs.

SEN. MCGEE asked Chris Smith what time of year lions had their litters. Mr. Smith explained that mountain lions gave birth year round.

Vote: Motion that HB 32 BE CONCURRED IN carried unanimously.

SENATOR TROPILA will carry HB 32 on the floor of the Senate.

{Tape: 4; Side: A; Approx. Time Counter: 12 - 17.1}

Ms. Vandenbosch read a draft letter to SEN. KITZENBERG to the Committee for their approval.

It was determined that the letter be finalized and mailed out.

{Tape: 4; Side: A; Approx. Time Counter: 17.1 - 20.8}

ADJOURNMENT

Adjournment: 5 P.M.

SEN. MIKE SPRAGUE, Chairman

MARI PREWETT, Secretary

MS/JH/MP

EXHIBIT(fis51aad)